

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 26th March, 1951 :—

BILL NO. 26 OF 1951.

A Bill to declare certain offices of profit not to disqualify their holders for being members of Parliament.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(1) This Act may be called the Parliament Prevention of Disqualification Act, 1951.

(2) It shall be deemed to have come into force on the 26th day of January, 1950.

2. Prevention of disqualification for membership of Parliament in certain cases.—It is hereby declared that the following offices of profit under Government shall not disqualify, and shall be deemed never to have disqualified, the holders thereof for being members of Parliament :—

(a) the offices of Chairman and members of the Fiscal Commission which was appointed by the Government of India in the month of April, 1949 and which ceased to function in the month of June, 1950 ;

(b) the offices of Chairman and member of the Film Inquiry Committee appointed by the Government of India in the month of August 1949 ;

(c) the office of Chairman of the Working Party for the Coal Industry appointed by the Government of India in the month of March 1950 ;

(d) the offices of members of the Railway Local Advisory Committees appointed by the Government of India for the year ending on the 31st day of March, 1950 or for the year ending on the 31st day of March, 1951 ; and

(e) the office of the Assistant Government Pleader held under the Government of Assam for any period not extending beyond the 8th day of November, 1950.

STATEMENT OF OBJECTS AND REASONS.

Article 102 (1) (a) of the Constitution lays down that a person shall be disqualified for being chosen as, and for being, a member of Parliament if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder. There were certain committees or boards set up by Government both before and after the commencement of the Constitution to which members of Parliament had been appointed and were in receipt of certain allowance and/or fees (like subsistence allowance, daily allowance and travelling allowance) in connection with their duties as members of such committees or boards. As it is felt that in these cases the question as to disqualification for membership of Parliament is not free from doubt, and in any case, as such appointments were made under the *bona fide* belief that they would not amount to disqualification under article 102 (1) (a) of the Constitution, the Bill makes provision to remove such disqualification retrospectively.

The office of the Assistant Government Pleader held under the Government of Assam has also been included in the Bill, as the member concerned who had been holding the post since 1948 was under a misapprehension at the time of his election to the Provisional Parliament on 5th January, 1950 and resigned the office when he came to know of the constitutional position.

NEW DELHI ;

The 17th March, 1951.

B. R. AMBEDKAR.

M. N. KAUL,
Secretary.